

**RECEIVED**  
**CENTRAL FAX CENTER**

**JAN 18 2006**

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

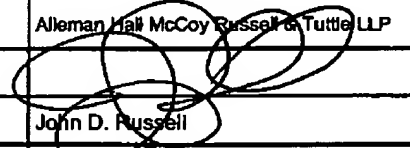
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

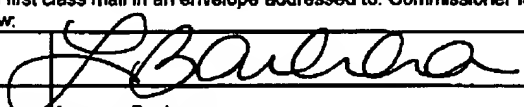
<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/909,430
	Filing Date	July 19, 2001
	First Named Inventor	Michael Choi
	Art Unit	3747
	Examiner Name	Hai Huynh
Total Number of Pages in This Submission		34
Attorney Docket Number		81047955

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - See Remarks
<div style="border: 1px solid black; padding: 5px;"> <b>Remarks</b>          1. Petition to Withdraw Holding of Abandonment (37 CFR 1.181) and, in the Alternative Petition          to Revive Unintentionally Abandoned Application (37 CFR 1.137)          2. Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR          1.137(b) Transmittal          3. Amendment and Response to Office Action dated January 26, 2004       </div>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Alleman Hall McCoy Russell & Tuttle LLP		
Signature			
Printed name	John D. Russell		
Date	January 18, 2006	Reg. No.	47,048

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Lauren Barberena	Date	January 18, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

JAN 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

January 18, 2006

MICHAEL CHOI

Serial No. : 09/909,430

Group Art Unit: 3747

Filed : July 19, 2001

Examiner: Hai Huynh

For : FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN  
INTERNAL COMBUSTION ENGINE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR 1.181)**  
**AND, IN THE ALTERNATIVE**  
**PETITION TO REVIVE UNINTENTIONALLY ABANDONED**  
**APPLICATION (37 CFR 1.137)**

Applicant respectfully requests that the holding of abandonment be withdrawn for the reasons set forth below, and in the alternative if such request is not granted, that the application be revived.

**1) Reasons Holding of Abandonment Should Be Withdrawn (Rule 181)**

**Recitation of the Facts, Timeline**

On January 26, 2004 the Office allegedly mailed a notice of informal amendment setting a one month period for reply. The action was mailed to the correspondence address of record, at Kolisch Hartwell, P.C. At that time the undersigned was the responsible attorney for this application and was employed by Kolisch Hartwell.

However, the January 26, 2004 Office action was never received by the undersigned attorney or by Kolisch Hartwell (see further details below).

On September 23, 2004, the undersigned was made aware of additional subject matter that prompted the filing of an Information Disclosure Statement. As evidenced by the statement in the information disclosure statement, the undersigned believed the case was still pending and had no idea that the January 26, 2004 Office action was mailed.

Then, on October 12, 2004, the undersigned filed a supplemental amendment to further amend the claims, again believing that there was no outstanding Office action. The October 12, 2004 amendment was not meant to be a response to the January 26, 2004 action, as evidenced by the fact that the October 12, 2004 amendment further amended various claims, and did not attempt to correct the issues noted in the January 26, 2004 action.

In January 2005, the undersigned moved to a different law firm, Alleman Hall McCoy Russell and Tuttle LLP, and filed a change of correspondence address, again believing that the application was still pending.

Finally, on January 16, 2006, in response to a docket item noting that no further correspondence had been received, Applicants checked private pair and for the first time learned of the notice of abandonment and the January 26, 2004 action. The notice was downloaded on January 17, 2005, and the present petition filed in response thereto.

#### Showing to Support Withdrawal of the Holding of Abandonment

As noted above, the January 26, 2004 Office action was never received by the undersigned attorney or by Kolisch Hartwell (as shown by the attached docket records from Kolisch Hartwell, Attachment A, showing all replies docketed from the alleged mail date). The undersigned further